No. 06-549
Vide 06-340

(35)

Title: Environmental Protection Agency, Petitioner
v.
Defenders of Wildlife, et al.

Docketed: October 23, 2006
Lower Ct: United States Court of Appeals for the Ninth Circuit
Case Nos.: (03-71439, 03-72894)
Decision Date: August 22, 2005
Rehearing Denied: June 8, 2006
Questions Presented

~~Date~~~	~~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~~~
Aug 25 2006	Application (06A223) to extend the time to file a petition for a writ of certiorari from September 6, 2006 to October 6, 2006, submitted to Justice Kennedy.
Aug 30 2006	Application (06A223) granted by Justice Kennedy extending the time to file until October 6, 2006.
Sep 26 2006	Application (06A223) to extend further the time from October 6, 2006 to October 23, 2006, submitted to Justice Kennedy.
Sep 27 2006	Application (06A223) granted by Justice Kennedy extending the time to file until October 23, 2006.
Oct 23 2006	Petition for a writ of certiorari filed. (Response due November 22, 2006)
Oct 23 2006	Appendix of Environmental Protection Agency filed.
Nov 2 2006	Consent to the filing of amicus briefs in support of either party received from counsel for the respondents. VIDED.
Nov 9 2006	Brief amicus curiae of Federal Water Quality Coalition filed. VIDED.
Nov 9 2006	Waiver of right of respondents National Association of Home Builders, et al. to respond filed.
Nov 20 2006	Brief amicus curiae of American Farm Bureau Federation filed. VIDED.
Nov 21 2006	Brief amicus curiae of Alaska filed. VIDED.
Nov 22 2006	Brief amici curiae of Arizona Power Authority, et al. filed. VIDED.
Nov 22 2006	Brief amici curiae of Nebraska, et al. filed.
Nov 22 2006	Brief of respondents Defenders of Wildlife, et al. in opposition filed. VIDED.
Dec 6 2006	DISTRIBUTED for Conference of January 5, 2007.
Dec 11 2006	Reply of petitioner Environmental Protection Agency filed. (Distributed)
Jan 5 2007	Petition GRANTED The petition for a writ of certiorari in No. 06-340 is granted. The cases are consolidated and a total of one hour is allotted for oral argument. In addition to the questions presented by the petitions, the parties are requested to brief and argue on the following question: "Whether the court of appeals correctly held that the Environmental Protection Agency's decision to transfer pollution permitting authority to Arizona under the Clean Water Act, see 33 U. S. C. Sec. 1342(b), was arbitrary and capricious because it was based on inconsistent interpretations of Section 7(a)(2) of the Endangered Species Act of 1973, 16 U. S. C. Sec. 1536 (a)(2); and, if so, whether the court of appeals should have remanded to the Environmental Protection Agency for further proceedings without ruling on the interpretation of Section 7(a)(2)."
Feb 5 2007	SET FOR ARGUMENT Tueasday, April 17, 2007.

Feb 5 2007	Consent to the filing of amicus curiae briefs in support of either party received from counsel for the respondents. VIDED.
Feb 16 2007	Record received from U.S.C.A. for 9th Circuit. (1 box)
Feb 19 2007	Brief amici curiae of Nebraska, et al. filed. VIDED.
Feb 20 2007	Joint appendix filed. VIDED.
Feb 20 2007	Brief amicus curiae of National Association of Clean Water Agencies filed. VIDED.
Feb 20 2007	Brief of petitioners in 06-340 National Association of Home Builders, et al. filed. VIDED.
Feb 20 2007	Brief of petitioner Environmental Protection Agency filed. VIDED.
Feb 20 2007	Brief amicus curiae of Federal Water Quality Coalition filed. VIDED.
Feb 20 2007	Brief amici curiae of American Road and Transportation Buildiers Association, et al. filed. VIDED.
Feb 20 2007	Brief amicus curiae of CropLife America filed. VIDED.
Feb 20 2007	Brief amicus curiae of American Farm Bureau Federation filed. VIDED.
Feb 20 2007	Brief amici curiae of Association of California Water Agencies, et al. filed. VIDED.
Feb 20 2007	Brief amicus curiae of Mountain States Legal Foundation filed. VIDED.
Feb 20 2007	Brief amici curiae of National Hydropower Association, et al. filed. VIDED.
Feb 20 2007	Brief amici curiae of Arizona Power Authority, et al. filed. VIDED.
Feb 20 2007	Brief amicus curiae of High Production Homebuilders filed. VIDED.
Feb 20 2007	Brief amicus curiae of Western Urban Water Coalition filed. VIDED.
Feb 20 2007	Brief amici curiae of Washington Legal Foundation, et aL. filed. VIDED.
Feb 20 2007	Brief of respondent Arizona in support filed. VIDED.
Feb 20 2007	Brief amici curiae of Kern County Water Agency, et al. filed.
Mar 2 2007	CIRCULATED.
Mar 23 2007	Motion for divided argument filed by respondents National Association of Home Builders, et al. VIDED.
Mar 27 2007	Brief of respondents Defenders of Wildlife, et al. filed. VIDED. (Distributed)
Mar 27 2007	Brief amici curiae of American Fisheries Society, et al. filed. VIDED. (Distributed)
Mar 27 2007	Brief amici curiae of American Bird Conservancy, et al. filed. VIDED. (Distributed)
Mar 27 2007	Brief amici curiae of Jared Diamond, et al. filed. VIDED. (Distributed)
Apr 2 2007	Motion for divided argument filed by petitioner DENIED.
Apr 9 2007	Reply of petitioners National Association of Home Builders, et al. filed. VIDED. (Distributed)
Apr 10 2007	Reply of petitioner Environmental Protection Agency filed. (Distributed) VIDED.
Apr 10 2007	Reply of respondent Arizona filed. VIDED. (Distributed)
Apr 11 2007	Administrative record received from U.S. DOJ. (1 box